Attorney's Docket No.: 9209-10   <u>PATENT</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Tabares et al.   Examiner: Diem K. Cao
Serial No.: 09/992,155   Group Art Unit: 2194
Filed: November 5, 2001   Confirmation No.: 5291
For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR
        INSTANTIATING A DEVICE DRIVER FOR COMMUNICATION WITH A DEVICE
        BY DYNAMICALLY ASSOCIATING THE DEVICE DRIVER AT RUN-TIME WITH
        A DEVICE-SPECIFIC AND/OR SERVICE-SPECIFIC SOFTWARE COMPONENT

February 29, 2008

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<u>APPELLANTS' REPLY BRIEF ON APPEAL UNDER 37 C.F.R. §41.41</u>

Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed January 11, 2008.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

I.   The Examiner's Answer – Response to Argument

Appellants will refrain herein from readdressing all of the deficiencies with the pending rejections and, therefore, in the interest of brevity, Appellants hereby incorporate herein the arguments set out in Appellants' Supplemental Brief on Appeal filed October 30, 2007

(hereinafter "Brief") as if set forth in their entirety. Accordingly, Appellants will only address new arguments made in the Examiner's Answer.

In the "Response to Argument" section beginning on page 9, the Examiner's Answer attempts to rebut Appellants' arguments set forth in Section II A of the Brief. Appellants will respond to the arguments in the Examiner's Answer for this section below.

On pages 9 and 10, the Examiner's Answer clarifies that the general scripting driver 66/120 shown in FIGS. 2 and 3 of Camara is alleged to correspond to the device driver recited in the independent claims. Appellants responded to this interpretation of Camara on pages 9 and 10 of the Brief by explaining that the driver script 96 of Camara is not dynamically associated with the scripting driver 120 at run time because the driver script 96 is permanently associated with the scripting driver 120. This is, because the scanner scripting driver 120 is used to operate any attached scanner(s), all the driver scripts 96 that are used to communicate with scanners 94 are accessed through the scanner scripting driver 120. Thus, all the scanner driver scripts 96 maintain an association with the scanner scripting driver 120.

On page 10, the Examiner's Answer states that "storing on the same system both the scripting driver and driver script does not mean that the scripting driver 66 120 is permanently associated with the driver script 70." Appellants are not arguing that the scanning scripting driver 120 is permanently associated with the scanner driver scripts 96 because they are on the same system 90. As stated above, Appellants submit that because the scanner scripting driver 120 is used to operate any attached scanner(s), all the driver scripts 96 that are used to communicate with scanners 94 are accessed through the scanner scripting driver 120. Thus, all the scanner driver scripts 96 maintain an association with the scanner scripting driver 120.

On page 10, the Examiner's Answer states that because there are multiple scanner driver scripts 96 corresponding to multiple types of scanners that may be attached to the system, that the particular driver script 96 that the scanner scripting driver 120 uses to operate a particular attached scanner is dynamically associated with the scanner scripting driver 120 at runtime. Appellants disagree. As explained in paragraphs 34 and 35 of Camara, only one scripting driver 120 exists for communicating with scanners that may be attached to the system. Thus, all of the scanner driver scripts 96 that correspond to the different types of scanners that may be attached to the system are associated with the scanner scripting driver 120 as this is the mechanism by

which they are accessed. Appellants recognize that to access a particular scanner, the scanner scripting driver 120 accesses a particular one of the scanner driver scripts 96 that corresponds to the particular scanner is attached to the system. This does not mean, however, that all of the scanner driver scripts 96 are not permanently associated with the scanner scripting driver 120. Appellants submit that the scanner driver scripts 96 are permanently associated with the scanner scripting driver 120, but selectively accessed/operated based on the particular scanner type attached to the system.

II.   Conclusion

For at least the reasons set forth in above and in Appellants' Brief, Appellants request reversal of the rejections of the pending claims, allowance of the pending claims, and passing of the application to issue.

Respectfully submitted,

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